

Message

From: Kelley, Rosemarie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: 11/5/2020 2:09:41 AM
To: Pollins, Mark [Pollins.Mark@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Benjamin Bahk [Bahk.Benjamin@epa.gov] [Bahk.Benjamin@epa.gov]
CC: Koslow, Karin [Koslow.Karin@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]
Subject: FW: Incoming Media & Congressional Inquiries & Selected News Clips for 11/4/2020

Yakima story is under HQ clips.

From: Kowalski, Edward <Kowalski.Edward@epa.gov>
Sent: Wednesday, November 04, 2020 8:29 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: Incoming Media & Congressional Inquiries & Selected News Clips for 11/4/2020

See Yakima story below. You are probably tracking, but since Susan's letter was one of the documents at issue, didn't want you to be caught off guard....

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From: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Sent: Wednesday, November 04, 2020 4:48 PM
To: Hladick, Christopher <hladick.christopher@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: R10 Press Team <R10_Press_Team@epa.gov>; Kowalski, Edward <Kowalski.Edward@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Terada, Calvin <Terada.Calvin@epa.gov>; Lindsay, Nancy <Lindsay.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Hamlin, Tim <Hamlin.Tim@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Viswanathan, Krishna <Viswanathan.Krishna@epa.gov>; UG_R10-PAO <UG_R10-PAO@epa.gov>; Li, Beverly <Li.Beverly@epa.gov>
Subject: Incoming Media & Congressional Inquiries & Selected News Clips for 11/4/2020

Incoming Media & Congressional Inquiries & Selected News Clips for 11/4/2020

CONGRESSIONAL /INTERNATIONAL/LOCAL GOVERNMENT CONTACTS/INQUIRIES

- None

REGIONAL NEWS CLIPS

- Capital Press: [2700-acre solar project on Oregon farmland alarms neighbors](#)
- News Radio 1310 KLIX: [Lincoln County Dairy Owner Admits to Violation of Clean Water Act](#)
- Alaska Native News: [Steller Sea Lions and Mercury](#)
- Cordova Times: [Study shows US is major contributor to coastal plastic pollution](#)

Oregon Wildfires Response:

- [KDRV News12: Jackson County Emergency Officials provide updates on recovery efforts for the Almeda and South Obenchain Fires](#)

NEWS RELEASES/STATEMENTS/AMPLIFICATIONS/OTHER

- None

MEDIA INQUIRIES

- None

R10 SOCIAL MEDIA (Our posts)

- [Twitter / Facebook @EPAnorthwest: #OregonFires2020](#) (Sharing @OregonOEM: Rain is in the forecast. If you live near an area affected by the #OregonFires2020, the charred ground is unable to absorb water and may create a flash flood or mudflow. Now is the time to ask your insurance agent about flood insurance. #OregonRising @FEMARegion10)
- [Twitter / Facebook @EPAnorthwest: Wood smoke in cold, stagnant air conditions can lead to very unhealthy air quality. Please check before you burn. Follow local air quality alerts & burn bans to protect the health of your family and your neighbors too! \(Sharing @AlaskaDEC and @IdahoDEQ burn ban alerts\)](#)
- This is a good outcome for the Skykomish River and #PugetSound. Read the news release at: [epa.gov/news/department-justice-and-epa-settle-major-wetlands-violations-case](#) (Sharing @nwtreatytribes: A trucking company illegally dumped construction debris into the Skykomish River. Now it has to pay \$300,000 and restore and replant the area, before the property owner transfers 188 acres to the #TulalipTribes for perpetual conservation #salmonhabitat)

OTHERS NOTABLE POSTS/RELEASES/STATEMENTS

- None

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HQ CLIPS

Agency

[EPA's New Guidance Rule: Are Accessibility and Transparency Improved?](#)

[EPA seeks to bar dairy from citing agency emails in suit](#)

[My Take: As EPA marks 50 years, take pride in progress](#)

[Tribes unify against PL 280](#)

Administration

[As the U.S. Leaves the Paris Accord, Revisit FRONTLINE's Recent Climate Reporting](#)

[INSIGHT: Biden's environmental policies mark sharp break from Trump's](#)

[U.S. WITHDRAWAL FROM PARIS AGREEMENT CASTS THE STAKES OF ELECTION IN PLANETARY TERMS](#)

Sustainability

[HERE'S EVERYTHING YOU NEED TO KNOW ABOUT GREENWASHING](#)

Agriculture

[EPA Requests Comments on Its Proposal to Add Chitosan to Minimum Risk Pesticide Active Ingredient List](#)

Water

[NPDES Permit/Clean Water Act: U.S. Environmental Protection Agency Electronic Reporting Rule/Phase 2 Extension](#)

[Nevada awarded \\$20 million for water projects](#)

Transportation

Meet the Newest Electric Vehicle Player in the US

Agency

EPA's New Guidance Rule: Are Accessibility and Transparency Improved?

The United States Environmental Protection Agency recently published a [final rule](#) on "EPA Guidance; Administrative Procedures for Issuance and Public Petitions." 85 Fed. Reg. 66,230 (Oct. 19, 2020). The Guidance Rule clarifies the location on the web of certain EPA guidance; provides requirements for guidance development, including for development of particularly significant guidance; and specifies procedures for the public to petition for modification, withdrawal, or reinstatement of guidance. The Guidance Rule is EPA's response to [Executive Order 13891](#) by President Trump on Promoting the Rule of Law through Improved [Agency Guidance Documents](#) and related guidance from the Office of Management and Budget (OMB). The Executive Order and the OMB Guidance both emphasize the need for accessibility and transparency of the guidance process. The provisions of the Guidance Rule – and their impact on accessibility and transparency – are discussed below.

The Guidance Rule provides that active guidance documents will be available through a [Guidance Portal](#). An "active guidance document" is one that articulates EPA's policy on "statutory, regulatory, or technical issues" or the agency's interpretation of a regulation or statute and that is "intended to have future effect on the behavior of regulated parties." The rule provides numerous important exclusions from the definition, however. Rules, decisions resulting from adjudicatory proceedings, internal legal opinions, and "statements of specific, rather than general, applicability" are among the materials not considered active guidance documents. These materials will therefore not generally be available from the Guidance Portal.

Because EPA's active guidance documents must be available through its Guidance Portal, omission of an existing document meeting the definition of an active guidance document from the Portal indicates that document has been rescinded. EPA has not provided a list of such rescinded documents. Nevertheless, EPA may not cite, use, or rely on a rescinded document, except to provide historical context. The Guidance Rule acknowledges that others are not prohibited from citing rescinded guidance, however.

The Guidance Rule specifies certain requirements for future guidance documents. In the future, all guidance must include the term "guidance," identify the issuing office, and specify the date it is issued. It must reflect a "unique" identification number. It must reference the activities and entities to whom it applies, as well as the statutory or regulatory provision that it interprets or applies. The guidance must specify its non-binding status, and, in light of that status, should not include mandatory language, such as "shall" or "must."

The Guidance Rule also establishes further requirements for development of a subset of active guidance documents known as "significant guidance documents." These documents are expected to have an economic impact of at least \$100 million, or otherwise materially affect the economy, an economic sector, productivity, competition, jobs, the environment, public health or safety, or state, local, tribal governments or communities. EPA must publish notice in the *Federal Register* of a draft new significant guidance document or a plan to withdraw or modify such a significant guidance document. In some cases, a Regulatory Impact Analysis of the planned action may be required. The Agency must generally provide a comment period of at least thirty days on the proposed action, although the Administrator may waive the public comment opportunity for good cause, including when emergency issuance of the guidance is necessary. Notice of final adoption, modification, or withdrawal of the guidance must also appear in the *Federal Register*. Only a presidentially appointed EPA official may take any such action or someone acting in a position for which a Presidential appointment is appropriate.

In addition, the Guidance Rule provides for petitions by the public for modification or withdrawal of an active guidance document or reinstatement of a rescinded guidance document. The rule specifies that EPA will make copies of properly submitted petitions available on the Guidance Portal, but does not provide for public comment on them. The Guidance Rule provides that EPA will respond to these petitions within ninety days and may extend the deadline for a response for an additional ninety days. The rule does not specify the form such a response will take or require that it be made public. Does EPA's Guidance Rule improve the accessibility and transparency of the agency's guidance? Yes, to some extent. The Guidance Portal simplifies the process for accessing active guidance documents, although finding guidance on a

particular issue can still be challenging. In addition, the procedures for developing guidance and for petitioning for changes to guidance add transparency to the process.

Other areas remain opaque and inaccessible, however. One such area concerns guidance that is not available from the Guidance Portal. Because EPA has not identified the guidance it has rescinded, it is not always clear whether EPA considers a guidance document that is unavailable from the Guidance Portal not to meet the criteria to be an active guidance document – in which the guidance may still be applicable – or whether that guidance has been rescinded – in which case EPA will not rely on it. This could result in confusion rather than transparency. Moreover, it leaves those outside of EPA who want to rely on such guidance uncertain whether to file for its reinstatement. Another area that could be made more transparent is EPA's response to public petitions for modification, reinstatement, or withdrawal of guidance. EPA should consider clarifying these matters by identifying the guidance documents it has rescinded and by making public its responses to petitions for guidance changes.

EPA seeks to bar dairy from citing agency emails in suit

The Cow Palace dairy near Yakima, Wash., rebuilt a storage lagoon to prevent nitrates from seeping into the groundwater. The dairy is suing the Environmental Protection Agency, alleging it was deceived into thinking the case against the dairy for contaminating groundwater was stronger than it was.

The Environmental Protection Agency moved Monday to stop EPA letters and emails from being introduced in court by a Yakima County, Wash., dairy, which claims it was deceived into spending millions of dollars to line manure lagoons and take other steps to protect groundwater pollution.

The EPA argues the documents are irrelevant to its moves in 2013 to require the Cow Palace and other dairies in the Lower Yakima Valley to change operations.

The records, however, are central to allegations that the EPA misrepresented the strength of a study that accused dairies of contaminating drinking water.

"This is just another move by the EPA to try to engage in a procedural maneuver to hide their culpability," Cow Palace attorney Kent Krabill said Wednesday.

Dolsen and the Washington State Dairy Federation are suing in 9th U.S. Circuit Court of Appeals to force EPA to retract the study.

They argue the letters and emails should be admitted as evidence because they show the EPA knowingly misled Dolsen and the public about the report's official classification.

The emails disclosed that EPA employees in 2013 discussed whether the agency could justify publicly calling the report critical of dairies as "influential science," a formal designation reserved for studies with a high level of peer review.

The letters include one from EPA Regional Administrator Chris Hladick informing Save Family Farming in 2019 that the study was actually categorized in 2012 as less substantial "other science."

In court records, Cow Palace owner Adam Dolsen said that was news to him.

The EPA told him the case against his dairy was "bullet proof" and based on "influential science," Dolsen said.

The EPA argues the letters and emails aren't part of the record on which the agency based its decisions. Letters written in 2019 obviously had no effect, and the emails were simply employees deliberating and expressing opinions, according to the agency.

The emails were obtained this year through a Freedom of Information Act request by Save Family Farming.

In one email, an EPA attorney says she believes the agency has done "everything we should have done for an influential document."

Another email outlines the agency's response to public complaints that the report was inadequately peer reviewed for an influential study.

In the third email, an EPA official said she was bothered that the peer review did not include public participation and that the study was not reported to the Office of Financial Management and Budget. Both are requirements for "influential" reports.

The EPA asked that if the court allows the three emails to be admitted to the record, it should be allowed to introduce more emails to add context.

The dairy lawsuit already has survived one procedural challenge. The EPA moved to dismiss the suit, arguing it had been filed too long after the 2013 order. The court rejected the motion, allowing the suit to go ahead.

Outside agencies criticized the study when it came out. The EPA has stood by the report and says agreements with dairies have improved water quality.

The study was reviewed by three EPA scientists and a U.S. Geological Survey chemist. A USDA agronomist reviewed part of the report, but asked that his name not be listed because he was not provided with the full report.

My Take: As EPA marks 50 years, take pride in progress

Few of our nation's natural wonders better exemplify the importance of the U.S. Environmental Protection Agency's mission than the Great Lakes. The preservation and protection of this binational treasure has been a top priority, and EPA is leading efforts to restore and maintain the overall health and ecosystems of the Great Lakes watershed and across Michigan.

Being a native of one of the Great Lakes states, I can attest to not only the natural beauty they bless us with, but also to their importance to the economies of the communities and quality of life throughout the region.

The Lakes represent the largest surface freshwater system on Earth, providing drinking water for more than 48 million Americans. They support more than 1.5 million jobs, generating over \$60 billion in wages every single year. The importance of success in our mission here cannot be understated, and the agency's recent efforts to ensure that success have been applauded by partisans on all sides and more importantly by the diverse population of the communities most reliant upon our efforts.

EPA's primary vehicle for carrying out much of the recent work here — whether that be addressing historically contaminated Areas of Concern (AOCs) or reducing trash and excess nutrient runoff — is the Great Lakes Restoration Initiative (GLRI). What makes GLRI so unique and successful is it relies heavily on local and regional partnerships and collaborative innovations to accomplish shared objectives. It has been a catalyst for unprecedented federal agency coordination and, in turn, has produced unprecedented environmental and economic results.

Through GLRI funding, the EPA has accelerated efforts to protect and restore our Great Lakes. This dedication of resources has been used to fund over 5,400 projects, which are improving water quality, protecting and restoring habitat, controlling invasive species, and managing other environmental challenges.

In Michigan alone, funding from this initiative has contributed over \$680 million to projects benefiting the state, including the formal delisting of three AOCs: Deer Lake, White Lake and just last month, the Lower Menominee River. Additionally, we recently announced nearly \$11 million for project to reduce excess nutrients in these waters, \$13.7 million to enhance its fisheries, and an additional \$20 million for work to address persistent challenges including invasive species such as Asian Carp.

Used to address AOCs from the Rouge River to Detroit (and across states comprising the Great Lakes Region), these grants are making a tangible difference in the lives of Michigan's residents. Funding for the GLRI has reached its highest levels in history. This increase in funding will have far-reaching impacts: a University of Michigan study showed that every dollar of federal spending on GLRI projects will produce over \$3 in additional economic activity in the region. EPA's strategic investment of GLRI dollars is key to building upon our agency's results in providing a cleaner, safer environment and fueling our nation's historic economic growth for the citizens who proudly call the Great Lakes region home.

We have also committed \$7 million to the Trash-Free Waters program — an agency initiative combating freshwater and marine litter. The program is preventing trash from reaching our waterways in the first place, and through this effort, we can further support communities in cleaning up beaches and waterways so that the watershed will continue to provide habitat for wildlife, drinking water and recreation for the tens of millions of people it serves for generations to come. Through the GLRI Action Plan III, released October 2019, we will continue building everlasting protections for these ecological gifts. Many of the steps EPA, other federal agencies and our partners will take over the next 4 years, as well as our areas of focus, are outlined in the plan, which will allow us to accelerate the great work being done to benefit the region. Together, we will protect and restore the Great Lakes while fueling economies and community revitalization efforts across the basin.

Working hand-in-hand with these communities, we are demonstrating our ability to be great stewards of the environment, while simultaneously unencumbering business from duplicative, costly regulations.

Regardless of what media and political interests would have Americans believe, we can protect, clean and preserve the Earth's environment while maintaining strong economic environments by eliminating these burdensome regulations.

Any narrative to the contrary presents a false choice — one that's grossly misleading. However, the facts remain: the

most aggressive effort ever conducted by the federal government to lead the Great Lakes cooperative, and a coalition-driven effort to achieve a clean, safe environment here, has come under this administration.

America's environment today is cleaner than it's ever been in our lifetimes, and this has a direct impact on the people we serve here in Michigan and across the country.

We've achieved this through nurturing partnerships and seeking input from impacted communities — a cooperative approach at a level unseen in previous administrations.

This year, we celebrate EPA's 50th anniversary. While we commemorate the things that have worked well for this country's environment, this is as a catalyst to rethink how the agency approaches communities so we can take action to resolve a fuller range of environmental issues that need to be addressed for people and places in need.

Environmental protection is the forerunner, the prerequisite for economic growth and job creation. By ensuring our environment is protected by a strong and sensible regulatory system, and by breaking down the silos between government and the communities we serve, we will be stronger together and give all of Michigan, and all Americans, a much better future in the next 50 years.

— *Andrew Wheeler is the administrator for the Environmental Protection Agency.*

Tribes unify against PL 280

OKMULGEE, Oklahoma — In a joint statement released Oct. 28, three of Oklahoma's tribes have clarified their opposition to congressional actions requested by Oklahoma Governor Kevin Stitt following the McGirt Supreme Court ruling. The Muscogee (Creek) Nation, the Choctaw Nation and the Seminole Nations of Oklahoma are unified in support of tribal reservation status.

MCN Principal Chief David Hill, Chief Gary Batton of the Choctaw Nation and Chief Greg Chilcoat of the Seminole Nation met to announce their unified stance. According to the statement issued to media the respective leaders have agreed to focus 'on maximizing sovereignty and self-governance, ensuring public safety for all those living in their communities, and capitalizing on economic development opportunities.'

The announcement came after Oklahoma Governor Stitt's request for congressional actions and conservative organizations like the Oklahoma Council of Public Affairs (OCPA) launch a full court press attack on tribal sovereignty.

OCPA President Jonathan Small went on record with the Tulsa World asking congress to disestablish the reservations. That organization has launched a fundraising campaign spread their message in a statewide advertising campaign.

Over the last several weeks sovereignty attacks have looked like the use of EPA opinions to grant the state environmental powers over tribal lands, state AG Mike Hunter requesting congressional delegation to introduce federal law to disestablish the reservation of the MCN and the Governors marketing that request as 'just a fairness issue,' in his presser on Oct.22.

In the face of the possible congressional intervention the three leaders issued statements.

MCN Principal Chief David Hill commended his colleagues for standing for sovereignty.

'I want to commend my fellow leaders for their meaningful stand for sovereignty and for their clear opposition to any and all legislation that would return us to a broken system,' Hill said. 'Tribal leaders around the country have uniformly signaled this moment as one that will resonate long after we're gone.'

'We owe it to the future and the coming generations to meet this opportunity with our greatest efforts, together.'

Choctaw Chief Gary Batton said he was proud to stand with tribal leaders.

'I am proud to stand united with my fellow tribal leaders of the Creek and Seminole Nation to state we are in agreement that tribes are an opportunity for Oklahoma, not a problem to be fixed,' Batton said. 'The McGirt decision reaffirmed the existence of our reservations.'

'There is no need for federal legislation when sitting down and working together is the best path forward for tribes and the state.'

He said tribes have been good neighbors and great partners for Oklahoma for hundreds of years, and will continue to be so.

'If we all work in a unified approach, we can make the McGirt ruling a positive to attract businesses and to provide jobs to everyone while growing our economy,' Batton said.

Chief Greg Chilcoat was one of the first Chiefs to publicly decry the states attempts to whittle sovereign rights after the McGirt decision. He said that the unification of tribal leaders was important for Oklahoma and all of Indian Country.

'It is an honor to be united with my fellow tribal leaders in advocating and defending the sovereign rights of not only tribes in Oklahoma, but all of Indian Country,' Chilcoat said. 'We stand ready to address any issues following the McGirt ruling through respectful government to government interactions, just as Oklahoma tribes have always done.'

'However, Congressional involvement is unnecessary and undermines the sovereignty of all tribal nations.'

Mvskoke Media will continue to monitor the topic for developments and make updates as they become available.

Administration

As the U.S. Leaves the Paris Accord, Revisit FRONTLINE's Recent Climate Reporting

Traffic is diverted off of the 71 freeway during the Blue Ridge Fire on October 27, 2020 in Chino Hills, California. As of Oct. 27, more than 8,200 wildfires had burned across a record 4 million-plus acres so far in 2020, more than double the previous record. Scientists say climate change is a contributing factor. (Photo by David McNew/Getty Images)

The United States' withdrawal from the Paris climate accord, a historic Obama-era agreement among nearly 200 nations aimed at combating climate change, became official on Wednesday, Nov. 4.

The pullout followed a process set in motion by President Donald Trump in June of 2017, when he vowed to withdraw from the agreement, calling it "draconian" and arguing it was not made on good terms for American taxpayers. Under the non-binding agreement reached in 2015 by world leaders and activated in 2016, the U.S. would have voluntarily reduced its carbon emissions on a schedule American officials set.

Joe Biden, Barack Obama's former vice president and the 2020 Democratic candidate for president, has pledged that the U.S. will re-join the agreement if he is elected. As of 1:30 p.m. E.S.T on Nov. 4, election results were not yet final.

The withdrawal came as America grapples with intense wildfire and hurricane seasons, to which scientists say climate change is contributing.

In recent years, there has been a cascade of dire warnings about the current and impending consequences of climate change. A late-2019 report from the World Meteorological Association, a UN agency focused on weather and climate, found the human-driven increase in temperatures over the past decade has brought with it progressively more catastrophic impacts on human health and society — including increased world hunger and "extreme" weather events that have displaced millions of people. Around the same time, a statement signed by 11,000 scientists declared that the world "is facing a climate emergency."

The previous year, a report from the Intergovernmental Panel on Climate Change (IPCC) warned that, from irreversible damage to coral reefs to serious coastal flooding, climate change could have severe effects across the world as early as 2030 — and an even more catastrophic impact soon after — unless there are "rapid, far-reaching and unprecedented changes in all aspects of society."

For more on the threat and impacts of climate change, revisit FRONTLINE's reporting in the five stories below — an introduction to our broad coverage of the topic.

1. The Last Generation (2018), an award-winning, interactive look at children living in an island nation threatened by rising seas
2. For Julia, Izerman and Wilmer, climate change is an existential threat to life as they know it. These three children live in the Marshall Islands, a low-lying island nation that could become uninhabitable during their lifetimes due to rising seas. "If the ice melts too much, water will bury the island. So, that's when people have to move away," 9-year-old Izerman explains in The Last Generation, an interactive documentary from FRONTLINE and The GroundTruth Project that has won an Emmy Award, an Online Journalism Award, World Press Photo's Inaugural Interactive of The Year Award, a Scripps Howard Award and a Webby Award.

2. Fire in Paradise (2019), a film on California's deadliest-ever wildfire that examines the role of climate change. As it unspools the events surrounding the 2018 Camp Fire — the deadliest blaze in California state history — this documentary also examines how climate change is making wildfires bigger and more frequent. "This is not a static problem. We have a problem that's going to grow worse inevitably over the next several decades," Michael Wara, director of the Climate and Energy Policy Program at Stanford University's Woods Institute for the Environment, said in the film. "I don't think anyone feels prepared for the kind of catastrophe that is possible now."
3. War on the EPA (2017), a documentary examining how the anti-regulatory and anti-climate change science movements in America gained power. Since President Trump took office, the Environmental Protection Agency (EPA) has sought to delay or roll back environmental regulations of coal-fired and natural-gas power plants, oil and gas wells, landfills and vehicle emissions and more. This documentary examines how combating perceived federal overreach by the EPA became a popular conservative cause and how now-former EPA head Scott Pruitt went from fighting the agency to running it. The film also unpacks the events that led up to the Trump administration's withdrawal from the Paris climate agreement.
4. Greenland Melting (2018), a 360-degree documentary set amid Greenland's melting glaciers. For centuries, the enormous ice sheet covering the Arctic island of Greenland has been relatively stable. But over roughly the past decade and a half, Greenland's glaciers have been melting much faster than expected. Why — and what does it mean for the rest of the world? Follow a team of NASA scientists as they try to find out, in this 360-degree documentary from FRONTLINE, NOVA, Emblematic Group, X-Rez Studio and Realtra.
5. Climate Change in the Classroom (2017-18), a series of stories on the battle over what kids learn about climate change.

In 2017, FRONTLINE and The GroundTruth Project broke the story on the Heartland Institute, a libertarian think tank that rejects the scientific consensus on climate change, seeking to influence some 200,000 K-12 public school teachers. Our reporting found that the institute was mailing educators textbooks, DVDs, and other materials rejecting the human role in climate change and arguing instead that rising temperatures have been caused primarily by natural phenomena. Learn about the group's effort — and the responses and reactions it spurred — in a series of stories by reporter Katie Worth.

INSIGHT: Biden's environmental policies mark sharp break from Trump's

HOUSTON (ICIS)--Joe Biden's environmental policies represent one of the biggest breaks from the past four years of the administration of President Donald Trump.

Those policies are far-reaching and they would directly affect the chemical industry.

Biden wants the US to achieve net-zero emissions of greenhouse gases by 2050; to adopt an unspecified enforcement mechanism to make that happen; to speed up the adoption of electric vehicles (EVs); and to make buildings more energy efficient.

Other policies would limit the growth of oil and gas production. Regulators could pursue pollution cases with more rigour.

If enacted, these policies would raise costs for petrochemical companies. They would also increase demand for plastics and chemicals needed for electric vehicles and efficient buildings.

This marks a break from the past four years under Trump. His policies were aimed at lowering costs for companies and to make it easier for them to do business. They encouraged oil and gas production, which increased supplies of feedstock used by the chemical industry.

At the root of Biden's break from Trump is his 2050 timeline for the US to achieve net-zero emissions. Several policies cascade from that goal.

OIL AND GAS PRODUCTION

Biden calls for banning new oil and gas permits on public lands and waters. He would seek a global moratorium on offshore drilling in the Arctic.

In addition to restrictions on land available to energy development, Biden's administration would modify royalties to account for climate costs.

It would adopt what it called aggressive methane pollution limits for new and existing oil and gas wells. Biden's platform did not specify how strict these limits would be or if they covered methane leaks, flaring or both.

MORE ENVIRONMENTAL ENFORCEMENT

Biden would direct the Environmental Protection Agency (EPA) and the Justice Department to pursue criminal investigations into allegations of pollution.

The platform highlights water pollution and noted plastic waste, oil spills and per- and poly-fluoroalkyl substances (PFAS).

Biden's policies would extend its reach overseas through carbon-adjustment fees. These would be imposed on imports from countries that fail to meet climate and environmental obligations. Biden also wants to impose quotas on imports that are especially carbon intensive.

A Biden administration could recruit trade agreements to reduce carbon emissions. Future trade deals could include conditions based on the Paris Climate Accord.

To achieve its goal of net-zero emissions by 2050, Biden would introduce an unspecified enforcement mechanism. Biden didn't specify whether this mechanism would be carbon taxes, fines or a combination of the two.

Biden wants to encourage carbon capture, use and storage (CCUS). These would receive more federal dollars and tax incentives.

Carbon capture would give the chemical industry an alternative to paying fines and taxes, but it would likely come with storage fees.

AUTOMOBILES AND BUILDINGS

Biden wants to set a fuel-efficiency standard of 54.5 miles/gal (23.2 km/litres) for cars and light-weight trucks by the 2025 model year. The goal is to ensure that all new sales for automobiles would be electrified.

To promote more electric vehicles, Biden wants the country to add more than 500,000 public charging stations by 2030. Other policies include tax credits for consumers who buy electric vehicles.

The federal government would use its procurement system to push its fleet of automobiles towards 100% zero-emission vehicles.

A rise in production for electric vehicles could increase demand for plastics and other materials that lighten the weight of the automobiles. It would also raise demand for plastics used to insulate electrical wiring.

Because electric vehicles lack engines, they would cause a decline in motor oils demand. Demand for some niche lubricants could rise.

Biden's platform was a bit vague for medium- and heavy-duty vehicles. It calls for the introduction of fuel efficiency standards.

For buildings, Biden wants to reduce the carbon footprint of the nation's building stock by 50% by 2035. To reach such a goal, Biden's administration would rely on retrofits, stricter energy efficiency standards and on-site clean power generation.

Such a policy could increase demand for rigid polyurethane foam, since the material is such a powerful insulator. Such foam is made with methylene diphenyl diisocyanate (MDI) and polyols.

OUTLOOK

It is still too soon to know whether the chemical industry would face such a sharp break from the policies of the past four years.

States are still counting votes, and potential challenges could make it unclear whether Trump would win re-election or if Biden would become president.

Biden will likely need a united government to pass such far-reaching policies. His party is expected to maintain its majority in the House of Representatives, the lower legislative chamber in the US.

However, Trump's party holds a majority in the Senate, the upper chamber.

With a divided government, Biden would lean heavily on enforcing existing laws and adopting new administrative policies that do not require new legislation. Such constraints would limit Biden's ambitions. And a new president could reverse them once he leaves office.

Votes are still being counted for key Senate races and for the president.

The chemical industry will have to wait before it knows what the next four years could hold.

By **Al Greenwood**

U.S. WITHDRAWAL FROM PARIS AGREEMENT CASTS THE STAKES OF ELECTION IN PLANETARY TERMS

Activist groups and concerned citizens held a rally at Foley Square and then marched to New York City Hall to protest Trump's attack on the Paris climate agreement in NYC on June 01, 2017. Photo: Erik McGregor/LightRocket/Getty Images

THE UNITED STATES officially withdrew from the Paris Agreement today, casting the stakes of the still-undecided presidential election in planetary terms. With the completion of the formal withdrawal process, which Trump began in June 2017, the U.S. became the only country in the world not to participate in the global effort to fight the climate crisis.

Trump, who has dismissed climate change as a hoax and rolled back dozens of environmental regulations designed to protect the environment and stave off climate change, decided to exit the international agreement early in his term. But because the accord didn't allow countries to begin the formal withdrawal process until three years after it went into effect, the yearlong process officially began on November 4, 2019.

Joe Biden has promised to reenter the climate accord on the first day of his presidency. The process of rejoining would take just 30 days, enabling the country to be readmitted as a party as soon as February 19, 2021.



The agreement, named for the city where the United Nations Conference of Parties struck it in 2015, aims to limit the global temperature rise to “well below” 2 degrees Celsius above pre-industrial levels. President Barack Obama pushed hard for the agreement, which his administration officially entered in September 2016. That year was the warmest year on record, although 2020 may soon top it. During the past four years, the Earth's temperature has continued to soar and unprecedented wildfires, flooding, droughts, sea level rise, and scorching temperatures have beset the world. According to an October poll from Pew Research Center, 68 percent of registered voters who planned to vote for Biden said climate change was very important to their vote, while only 11 percent of Trump supporters said the same. While leaders from around the country have committed themselves to fighting climate change even without federal leadership, and the market has driven an increase in the use of renewable energy, a second Trump administration could immeasurably set back the fight.

“The consequences would be catastrophic,” said Thomas McGarity, a law professor at the University of Texas. “If Trump wins, it will allow him to finalize the rollback of the Clean Power Plan, the auto standards, the EPA's new source performance standards for oil and gas drilling, the Department of Energy's limitations on methane emissions from oil and gas drilling on public lands,” McGarity said, ticking off only a partial list of efforts the Trump administration has already begun that will result in increased release of greenhouse gases.

While U.S. has moved backward in the fight to address the climate crisis, Europe has announced a plan to become the first carbon neutral continent by 2050. South Korea and Japan have also committed to going carbon neutral by 2050, and China has set a goal of reaching carbon neutrality by 2060.

Despite Trump's example, no other country withdrew from the international accord. “It's important to note that no other followed the lead of the U.S.,” said Pamela McElwee, associate professor of human ecology at Rutgers, who emphasized that states and localities can continue to make some progress on limiting emissions even if the federal government continues to have no climate plan.

Still, if Trump holds onto the presidency, the ability of the U.S. to limit emissions will continue to be hamstrung. “That will be especially true if the Senate remains Republican,” said McElwee. At press time, the control of the Senate also hangs in the balance.

Sustainability

HERE'S EVERYTHING YOU NEED TO KNOW ABOUT GREENWASHING

From the 24-hour news cycle to pop-up ads magically curated to our wants and desires, to product labeling on everything from t-shirts to meat products, the marketing messages we see daily can be overwhelming. This is especially true if you want to make choices that are better for the planet. Being a conscious consumer is hard work. And if the constant self-education weren't confusing enough, there are companies looking to cash-in on our collective goodwill. As interest in sustainability and a plant-based diet is on the rise so, too, is a practice called "greenwashing."

What Is Greenwashing?

Greenwashing is when a company gives a false impression that a product is better for the planet than it actually is. It is an attempt to capitalize on the growing demand for environmentally sustainable products, whether that means they are more natural, healthier, free from chemicals, recyclable, or less wasteful of natural resources.

"Greenwashing is all about misdirection, showing one thing that distracts you from what is really going on," Leyla Acaroglu, an Australian sustainability designer and the 2016 United Nations Environment Programme Champion of the Earth, wrote on [Medium](#).

"The main issue we see is that greenwashing takes up valuable space in the fight against significant environmental issues like climate change, plastic ocean pollutions, air pollution, and global species extinctions," she continues. *"The saddest thing is that many companies do it by accident, as they don't have the expertise to know what is truly environmentally beneficial, and what is not."*

Greenwashing shows up in a brand's advertising campaign or marketing copy. They might use buzzwords like "eco-friendly" or "green," so consumers are misdirected into making what they think is the more sustainable choice. For example, the meat and dairy industry often uses labels such as "sustainable," "ethical," and "free-range," to communicate a sense of kindness and responsibility. However, no matter how meat and dairy products are produced—whether factory-farmed or "grass-fed," the negative environmental impact is undeniable. According to the Food and Agriculture Organization of the UN, animal agriculture is responsible for 14.5 percent of global greenhouse gas emissions.

Greenwashing can also look like a label stating that packaging is "made with recycled materials" or that a snack is made with "sustainably sourced ingredients." A company might also claim that it incorporates "sustainable" business practices without providing information on how it's reducing its environmental impact. Greenwashing can apply to all products, from household and beauty to [fashion](#) and food.

The Federal Trade Commission has attempted to curb false eco-friendly claims with its [Green Guides](#), but greenwashing still persists and stricter laws are left to state governments. For example, California has a law against plastics labeled "biodegradable" and "compostable" because these claims are not often backed by substantiated evidence about how they're better for the environment.



Here's how to spot greenwashing. | Tyson

How To Spot Greenwashing And Make Informed Consumer Choices

So, what does greenwashing look like? Marketing firm TerraChoice outlined the six “sins” of greenwashing in 2007 and uncovered how common it is: of the 1,018 products bearing environmental claims it reviewed for the report, only one committed none of the “sins.” Here’s what to look out for when you go shopping:

1. Trading Off Benefits

This can look like companies claiming to use recycled materials in their packaging without addressing what the company itself is doing to reduce its impact. Even industries that are already better for the planet than the alternative, like vegan food and fashion, can take steps toward being more environmentally friendly. This can include moving toward a closed-loop system, where businesses reuse materials in order to create new products. Some companies, like Tofurky, are converting to solar energy or other renewable sources. Many brands will put this information on their website. A Certified B Corporation logo is also a good sign. Certified B Corporations “are businesses that meet the highest standards of verified social and environmental performance, public transparency, and legal accountability to balance profit and purpose,” according to the website.

2. Unsubstantiated Environmental Claims

This can include claims such as “made from recycled materials” or that the company is sourcing the most eco-friendly ingredients possible with no proof of where they come from. It can also apply to lamps and light bulbs that claim to be energy efficient but don’t have an Energy Star certification on the label. Look for companies that are transparent about their claims. Many sustainable brands will have detailed sections on the website explaining their sourcing practices. This can cross over into animal welfare, too, like if your bodywash claims to be “not tested on animals” without any sort of certification, like Cruelty Free International’s Leaping Bunny logo or PETA’s Beauty Without Bunnies.

3. Irrelevant Call-Outs on Packaging

This is when companies make claims for the sake of looking better than other options. A good example is chlorofluorocarbons (CFC), a chemical that contributes to ozone depletion that has been banned for 30 years. Because it’s CFC is already illegal, companies that put “CFC-free” on the packaging are making an irrelevant claim. This is the most common in disinfectants, insecticides, and lubricants. An example of this happening in food would be putting “cholesterol-free” on peanut butter. Plant-based foods are free from and help lower cholesterol. While it’s true that peanut butter is cholesterol-free, it’s not unique.

4. Vague Language and Wording

This is when a company’s broad claim is poorly defined: non-toxic, all-natural (many harmful things, like arsenic, are natural). Another example of this is a company calling out the use of “plant-based” ingredients on the packaging with colors that signal eco-friendliness. In 2015, Kimberly Clark, the parent company to disposable diaper brand Huggies, was sued for using misleading claims on its “Pure & Natural” range. The diapers featured green-colored packaging and called out the use of organic cotton. However, this was only present on the outside of diapers.

According to the lawsuit, the product was not “pure and natural,” as it contained potentially harmful ingredients including polypropylene and sodium polyacrylate. Additionally, the packaging was made from only 20 percent post-consumer materials. However, the name of the range and the visuals used sent the signal to customers that the Pure & Natural range was sustainable.

This carries over to the grocery store aisles. Meat producer Tyson has a “Naturals” range that features a logo with a green leaf, symbolizing the product’s supposed natural origins. The packaging suggests that the fact that hens raised with “no antibiotics” are natural. The modern chicken is unrecognizable from the birds of about 60 years ago due to being genetically modified to grow larger faster. Broiler hens used to weigh just under two pounds. Now, the average hen weighs about nine pounds. As a result, chickens of today are often in constant pain, according to a study from the University of Guelph.

The packaging of the Naturals range also claims that the product contains “no added hormones or steroids**”

But, in the left corner, it clearly states: “**Federal regulations prohibit the use of added hormones or steroids in chickens,” bringing us back to point number three: irrelevant call-outs.

The phrases “chemical-free” (everything is made from chemicals), “non-toxic” (everything is toxic with the right dosage, even water), “green,” “eco-friendly,” and “eco-conscious” are other examples of vagueness.

Check the packaging and website for the appropriate certifications attached to these claims.

5. The Lesser of Two Evils

These are eco-friendly claims on products that are environmentally destructive, like organic tobacco or green pesticides. Rayon viscose, a fabric made from plant cellulose (usually bamboo), is another example. You might think it's sustainable because plants are a renewable resource and therefore, it's better for the planet than cotton, but it's processed using harmful chemicals like sodium hydroxide, carbon disulfide, and sulphuric acid. These are often dumped into local waterways, which is harmful to the local communities. Working with these chemicals is also hazardous to employees—rayon isn't made in the U.S. because the chemicals involved are too toxic to comply with EPA standards.

6. Outright Lies

When a company makes claims that are outright false. This could mean claiming to be energy efficient when evidence suggests otherwise or misuse of labels like "organic". According to TerraChoice's Six Sins of Marketing, this claim can be the trickiest to identify. The most frequent example is the misuse of third-party certifications, such as the Forest Stewardship Council or Green Guard. Verifying this is easy; legitimate third-party certifiers will maintain a list of products that have received the seal of approval.

What's The Harm?

Greenwashing can be dangerous because it tricks well-meaning consumers into making purchases that they believe are better for the environment.

"Whilst some greenwashing is unintentional and results from a lack of knowledge about what sustainability truly is, it is often intentionally carried out through a wide range of marketing and PR efforts," writes Acaroglu. "But the common denominator among all greenwashing is that it is not only misleading, but it's also really not helping to further sustainable design or circular economy initiatives. Thus, environmental problems stay the same or more likely, get even worse, as greenwashing often sucks up airtime and misdirects well-intentioned consumers down the wrong path."

So, how can you be a savvy, eco-conscious consumer?

How To Identify Greenwashing

Before you buy, read the company website and pay careful attention to the language used. A company's information (or lack thereof) of how they operate behind the scenes can be revealing. Keep these questions in mind while you read. When the company says that it uses sustainably sourced ingredients, is that backed by any official certification? Is it transparent about their practices for managing excess materials and waste? Is it recycling or using post-consumer materials for packaging? What are its plans for becoming more environmentally friendly? Is it moving toward a closed-loop system or converting to renewable energy? Can it provide evidence that it has taken action on any of its plans? Until labeling laws are stricter on claims like "green," "eco-friendly," or "sustainable," it's important for us as consumers to stay skeptical and do the best that we can to look into a company's practices.

Agriculture

EPA Requests Comments on Its Proposal to Add Chitosan to Minimum Risk Pesticide Active Ingredient List

On November 2, 2020, the U.S. Environmental Protection Agency (EPA) published a notice in the *Federal Register* announcing the proposed rule to add chitosan (Poly-D-Glucosamine) to its list of active ingredients eligible for EPA's minimum risk pesticide exemption under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 25(b). 85 Fed. Reg. 69307.

The proposed rule is in response to a petition submitted to EPA on October 10, 2018, requesting that chitosan be added to the list of active ingredients eligible for EPA's minimum risk exemption, followed by an April 4 2019, amended petition seeking also to add chitosan to the list of inert ingredients eligible for the minimum risk exemption. EPA on August 20, 2020, issued a *Federal Register* notice stating that a draft regulatory document on this issue had been forwarded to the U.S. Department of Agriculture (USDA). EPA states that no comments were submitted on that notice by USDA or any other person. EPA also forwarded the draft to the FIFRA Scientific Advisory Panel for review, but according to EPA, the Panel "waived review of this proposed rule, concluding that the proposed rule does not contain scientific issues that warrant scientific review by the Panel." On October 8, 2020, EPA again announced it was considering adding chitosan to the list of active ingredients allowed for use in minimum risk pesticides and provided a pre-publication version of the proposed rule.

EPA states in the November 2, 2020, *Federal Register* notice regarding the proposed rule: “Based on all the information available to the Agency, there are low risk concerns for human health or the environment if chitosan is intended for use as a minimum risk pesticide.” According to EPA, adding chitosan to this list may save stakeholders time and money through waived FIFRA registration requirements for certain products containing chitosan. Specifically, EPA estimates the cost savings of avoiding the application process (e.g., guideline studies, registration fees) to be up to \$116,000 initially and approximately \$3,400 per year thereafter for each new product.

Comments on EPA’s proposal to add chitosan to its list of active ingredients for use on minimum risk pesticides are due on or before January 4, 2021, in Docket [EPA-HQ-OPP-2019-0701](#). EPA states that it is currently deferring a decision regarding the amended petition to add chitosan to the list of inert ingredients permitted in minimum risk pesticides.

Water

NPDES Permit/Clean Water Act: U.S. Environmental Protection Agency Electronic Reporting Rule/Phase 2 Extension

The United States Environmental Protection Agency (“EPA”) promulgated a final rule in the November 2nd Federal Register addressing the Clean Water Act National Pollution Discharge Elimination System (“NPDES”) Electronic Reporting Rule (“eRule”). See 85 Fed. Reg. 69189.

EPA states the Rule addresses several aspects of the eRule:

- Postpones compliance deadlines for implementation of Phase 2
- Provides states with additional flexibility to request additional time as needed
- Clarifies certain changes
- Eliminates duplicative/outdated reporting requirements

The changes are stated to be designed to:

- Save NPDES authorized programs resources
- Make reporting easier for NPDES regulated entities
- Streamline permit renewals
- Ensure full exchange of NPDES program data between states and EPA
- Enhance public transparency
- Improve environmental decision-making
- Protect human health and the environment

The NPDES eRule requires that regulated entities and state and federal regulators use existing, available information technology to electronically report data required by the NPDES program instead of filing written paper reports. EPA has previously estimated that once the eRule is implemented, the 46 state and Virgin Islands Territory that are authorized to administer the NPDES program will collectively save \$22.6 million each year as a result of switching from paper to electronic reporting.

The eRule makes facility-specific information, such as inspection and enforcement history, pollutant monitoring results, and other data required by NPDES permits accessible to the public through EPA’s website.

EPA had originally promulgated the eRule on October 22, 2015. The eRule divided implementation into two “phases.”

The Phase 1 implementation deadline passed on December 1, 2016. The Phase 2 deadline was originally scheduled for December 21, 2020. EPA notes that some states with authorized NPDES programs requested that the Phase 2 implementation date be moved back to provide:

... sufficient time to develop and implement the information technology solutions necessary for electronic reporting of the Phase 2 data.

As a result, EPA decided to postpone the compliance deadline for Phase 2 to December 21, 2025. Also added are two regulatory provisions that the agency states provide additional flexibility for Phase 2 compliance.

The possibility of obtaining additional time beyond December 21, 2025, to implement Phase 2 is provided. To obtain such extension, various information must be provided.

A second alternative authorizes EPA to provide on its own initiative additional time for one or more authorized NPDES programs to implement Phase 2 beyond December 21, 2025. The provision is stated to be potentially necessary if EPA has not yet deployed the required electronic reporting tool or if the agency has not yet deployed the protocols and systems for authorized NPDES programs to share one or more data elements.

A copy of the Federal Register Notice can be downloaded [here](#).

Nevada awarded \$20 million for water projects

Nevada Appeal Capitol Bureau

The federal Environmental Protection Agency has awarded Nevada \$20.5 million in State Revolving Fund money to help protect surface waters in the state and provide safe drinking water.

Southwest Regional EPA administrator John Buesterud said the money will be administered by the Nevada Department of Environmental Protection to help wastewater and water systems maintain or bring systems into compliance with federal and state clean water regulations.

Earlier this year, EPA awarded Nevada \$7.78 million in grant funding for the Clean Water State Revolving Fund for projects including modernizing wastewater infrastructure.

Also earlier this year, EPA awarded \$12.7 million to help Nevada with loans to treat contamination and improve distribution systems by removing lead service lines and improve the ability of water systems to handle natural disasters.

Transportation

Meet the Newest Electric Vehicle Player in the US

Kandi Technologies Group Inc. ([NASDAQ: KNDI](#)) shares jumped on Wednesday on news that the company received an update from the U.S. Environmental Protection Agency (EPA).

Specifically, Kandi Tech received the required clearance from the EPA for its two electric vehicle (EV) models, the K23 and K27. The company first announced its two vehicle models in July 2020, with the mission of making EVs accessible to all.

The firm's electric vehicles can officially enter the US market after receiving certificates of conformity from the EPA. As it stands now, this EPA approval unlocks incentives from many states, which offer different tax incentives to EV buyers.

The K27, Kandi's smaller model, has a manufacturer's suggested retail price (MSRP) of \$17,499 and the SUV-style, K23, starts at \$27,499. With the federal tax incentives, eligible buyers can preorder the K27 for \$9,999. Also factoring in federal tax incentives, the K23's price drops to \$19,999, and additional state tax credits could further reduce the price to as low as \$15,999.

Although Kandi Tech is not a household name, it operates via a subsidiary, SC Autosports, which does business under the name Kandi America. Accordingly, Kandi America is primarily engaged in the wholesale of off-road vehicle products and distribution of EVs.

Management noted that by way of this final certification requirement, the firm officially can bring to market "America's most affordable electric vehicles." The firm is currently in the process of finalizing its fulfillment plans and expects to see its EVs on U.S. roads very soon.

Kandi Tech stock traded up about 24% to \$8.62 on Wednesday, in a 52-week range of \$2.17 to \$17.40. The consensus price target is \$12.00.

Agency

[USAToday: The US is now out of the Paris climate change agreement. If Biden wins, that could change.](#)

Biofuels

[KRVN: Wheeler waiting on courts before making RFS decisions](#)

Chemicals

[BusinessWire: Agilent Collaborates With SGS to Release New US EPA Method for the Analysis of Dioxins Using GC/TQ](#)

[The Chemical Engineer: CSB releases update on TPC explosion](#)

[The National Law Review: EPA Requests Comments on Its Proposal to Add Chitosan to Minimum Risk Pesticide Active Ingredient List](#)

[Safety+Health: EPA reverses course, determines TSCA chemical presents 'unreasonable risk'](#)

[McKnight's: R-Water's TK60 beats Lysol in independent COVID-19 lab test](#)

Pollution

[Missoula's News Journal: Feds sued for easing regulations on coal ash](#)

Renewables

[Yahoo! Finance: Kandi America Receives Certification From EPA, Electric Vehicles Cleared for U.S. Roads](#)

Water

[Patch: Added Cleanup For Pollution Behind Conowingo Dam Will Cost \\$53 Million A Year. Who Will Pay For It?](#)

The US is now out of the Paris climate change agreement. If Biden wins, that could change.

<https://www.usatoday.com/story/news/nation/2020/11/04/paris-agreement-trump-us-officially-leaves-climate-change-accord/6158177002/>

By [John Bacon](#)

USA TODAY

4 Nov 2020

ARLINGTON, Va. – The United States formally dropped out of the Paris Agreement on climate change Wednesday, finally fulfilling a vow President Donald Trump made more than three years ago.

That could all change, however, if former Vice President Joe Biden squeezes out a victory over Trump in Tuesday's election. Biden has pledged to rejoin the agreement immediately after being sworn into office. [See real-time election results here.](#)

The historic 2015 deal signed by President Barack Obama includes almost 200 nations in a single agreement to combat global warming. Trump, however, has championed fossil fuels in the U.S. and claimed the deal unfairly placed few restrictions on India and China while forcing the U.S. to curb carbon emissions.

"The terrible, one-sided climate accord was a total disaster for our country," Trump reiterated at an energy conference in Pittsburgh last year.

Bob Perciasepe, president of the Arlington-based nonprofit Center for Climate and Energy Solutions, called the U.S. withdrawal a "shameful retreat" from obligations leaders have to the planet and to future generations.

"No country can withdraw from the reality of climate change, and no country bears greater responsibility, or possesses greater capacity, to lead the world in confronting this reality head on," Perciasepe said. "Other nations thankfully remain committed to the Paris Agreement, and we are confident that the United States will in time recommit itself to this vital global cause."

Trump's EPA rewrote the rules. [Now voters face a choice on climate change issues.](#)

May Boeve, executive director of the California-based global environmental advocacy group 350.org, said a protracted lack of U.S. leadership on climate risks sabotaging other areas of global cooperation, such as trade and human rights.

"Whatever the final result of the election, don't count the United States out," she said. "There are millions of Americans who reject this regression, are committed to climate justice, and are demanding that the U.S. ... uphold the goals of Paris and go beyond."

Carbon dioxide emissions trap heat in the atmosphere and fuel conditions for climate change. By 2050 that could wipe out some species, place more homes in floodplains and trigger longer, more intense heat waves.

The Paris accord requires countries to set their own voluntary targets for reducing greenhouse gases such as carbon dioxide. The only binding requirement is that nations have to accurately report on their efforts.

"We have a really good environmental record," U.S. EPA Administrator Andrew Wheeler said in a [recent interview with the USA TODAY Network](#). Wheeler, before taking over the agency, had been an EPA employee and also a lobbyist for energy, oil and uranium processing companies.

"I would say that the Obama administration only focused on climate change and not on the nuts and bolts of what the EPA is supposed to be doing," Wheeler said. "And we've been doing all of it at the same time."

The actual withdrawal took so long because of rules built into the agreement aimed at slowing efforts to withdraw from the deal. Nations could not provide formal notice of withdrawal until three years after ratification, which took place in the fall of 2016. A 12-month notice period was then required.

Contributing: Beth Burger

Scientists are seeing an 'acceleration of pandemics': [They are looking at climate change](#)
UN report: [Climate change continues 'unabated' despite COVID-19 lockdowns](#)

Wheeler waiting on courts before making RFS decisions

<https://krvn.com/agricultural/wheeler-waiting-on-courts-before-making-rfs-decisions/>

BY NAFB News Service | November 4, 2020

Environmental Protection Agency Administrator Andrew Wheeler is taking a wait and see approach regarding 35 waiver requests under the Renewable Fuel Standard.

Administrator Wheeler told Agri-Talk earlier this week, "The refiners appealed that to the Supreme Court; we're waiting to see if they take it up, and what they do with that."

Earlier this year, an appeals court ruled the EPA could not grant waivers for refiners whose previous waivers have lapsed. The oil industry is appealing the ruling. Wheeler adds, "I think it would be inappropriate for me to either grant or deny them until that litigation has completely run its course."

The EPA is also considering an additional 17 gap-year waiver requests that are expected to be denied. In September, the EPA denied 54 gap year waivers.

The Renewable Fuels Association at the time called the requests a "bizarre attempt" by the oil industry to circumvent the appeals court ruling.

Agilent Collaborates With SGS to Release New US EPA Method for the Analysis of Dioxins Using GC/TQ

<https://www.businesswire.com/news/home/20201104005128/en/Agilent-Collaborates-With-SGS-to-Release-New-US-EPA-Method-for-the-Analysis-of-Dioxins-Using-GCTQ>

November 04, 2020 08:00 AM Eastern Standard Time

SANTA CLARA, Calif.--(BUSINESS WIRE)--[Agilent Technologies Inc.](#) (NYSE: A) announced today a collaboration with [SGS](#) has resulted in a new GC/TQ method, the SGS AXYS Method 16130, approved by the US EPA as an alternative method for the future regulation and detection of dioxins.

"There was a crucial need for an alternative testing method as the current promulgated method of testing relies on 30-year-old mass spectrometry technology which is no longer being supported by most instrument manufacturers"

Dioxins are a group of chemical compounds that are considered persistent environmental pollutants and subsequently find their way into the food chain. These chemicals are listed as persistent organic pollutants under the United Nations Stockholm Convention and are therefore regulated globally, meaning that accurate, reliable testing methods for dioxins are essential.

The previous US EPA dioxin testing method, EPA 1613B, required the use of magnetic sector instruments. These aging platforms are both difficult and expensive to use and maintain and therefore suffer from decreasing vendor and instrument availability.

“There was a crucial need for an alternative testing method as the current promulgated method of testing relies on 30-year-old mass spectrometry technology which is no longer being supported by most instrument manufacturers,” said Coreen Hamilton, a senior scientist with SGS Environmental, Health, and Safety who worked on the project. “We have worked in close collaboration over the past two years with the EPA and equipment manufacturers, including Agilent, to find a new method that would take advantage of the latest technological advancements such as modern tandem mass spectrometers.”

This new technology is already widely used in contract testing labs and is less expensive to purchase, operate, and maintain, increasing the number of laboratories able to perform this testing.

“This collaboration between Agilent, SGS AXYS, and the US EPA shows our commitment to provide the tools for labs to ensure a safer and healthier environment for all,” stated Tarun Anumol, Director, Global Environment & Food Markets, at Agilent. “The creation of this new method to analyze dioxins and furans using a GC/TQ allows environmental labs the ability to employ the newest technology to measure these contaminants more accurately and reliably while allowing them to reduce operational and laboratory costs at the same time.”

“This effort also shows Agilent’s continued commitment to support environmental testing as a market leader in this space for over 40 years,” Anumol added.

The newly approved Agilent SGS AXYS Method 16130 is set to become a key testing solution for environmental laboratories testing regulated contaminants. This new method will greatly reduce exposure to dioxins found in soil, agricultural land, and water.

About Agilent Technologies

Agilent Technologies Inc. (NYSE: A) is a global leader in life sciences, diagnostics, and applied chemical markets. In its 20th year as an independent company delivering insight and innovation toward improving the quality of life, Agilent instruments, software, services, solutions, and people provide trusted answers to customers’ most challenging questions. The company generated revenue of \$5.16 billion in fiscal 2019 and employs 16,300 people worldwide. Information about Agilent is available at www.agilent.com. To receive the latest Agilent news, subscribe to the Agilent [Newsroom](#). Follow Agilent on [LinkedIn](#), [Twitter](#), and [Facebook](#).

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CSB releases update on TPC explosion

<https://www.thechemicalengineer.com/news/csb-releases-update-on-tpc-explosion/>

Article by Amanda Doyle

4 Nov 2020

THE US Chemical Safety Board (CSB) has released its factual update on the explosion that took place at the Texas Petroleum Chemical (TPC) facility in Port Neches, Texas, on 27 November 2019.

Several explosions occurred at the TPC facility, which resulted in three people being injured and causing the evacuation of 50,000 people in the surrounding area for two days. A second evacuation occurred a week after the initial explosion, which was lifted a day later.

The explosion occurred a week after the Environmental Protection Agency (EPA) rescinded most of the Chemical Disaster Rule. The revision relaxed numerous safety measures such as requiring companies to assess the possibility of using safer technologies.

The CSB report said that the incident occurred in the South Unit of the facility, which produced 1,3-butadiene, which is highly flammable and reactive. A loss of containment occurred at 12:54 on 27 November resulting in around 27,000 L of a liquid, which was primarily butadiene, to empty from the fractionator in less than a minute, according to CSB calculations. Workers told the CSB that they saw a pipe rupture. The liquid formed a vapour cloud which then ignited at 12:56, creating the initial explosion.

Another explosion followed at 02:40, and a major explosion at 13:48 launched an out-of-service debutaniser tower into the air which then landed within the facility. Four other towers fell during the explosion and fires. The report said that fires burned for more than a month as flammable process fluid was released from damaged equipment, and the fires were only completely extinguished on 4 January.

The CSB noted that butadiene can create “popcorn” polymer in process vessels, which is a hard material created when oxygen reacts with butadiene. The buildup of popcorn polymers has caused ruptures at other facilities which led to a loss of containment. The report also noted that popcorn polymer had been known to form in the South Unit prior to the incident.

The CSB report said that damage to the TPC facility was calculated by Marsh JLT Specialty to be US\$500m. The EPA estimated that its revised Chemical Disaster Rule would save around US\$88m/y by removing unnecessary regulatory burdens.

The CSB investigation is ongoing.

EPA Requests Comments on Its Proposal to Add Chitosan to Minimum Risk Pesticide Active Ingredient List

<https://www.natlawreview.com/article/epa-requests-comments-its-proposal-to-add-chitosan-to-minimum-risk-pesticide-active>

ARTICLE BY

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4 Nov 2020

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The proposed rule is in response to a petition submitted to EPA on October 10, 2018, requesting that chitosan be added to the list of active ingredients eligible for EPA's minimum risk exemption, followed by an April 4 2019, amended petition seeking also to add chitosan to the list of inert ingredients eligible for the minimum risk exemption. EPA on August 20, 2020, issued a Federal Register notice stating that a draft regulatory document on this issue had been forwarded to the U.S. Department of Agriculture (USDA). EPA states that no comments were submitted on that notice by USDA or any other person. EPA also forwarded the draft to the FIFRA Scientific Advisory Panel for review, but according to EPA, the Panel "waived review of this proposed rule, concluding that the proposed rule does not contain scientific issues that warrant scientific review by the Panel." On October 8, 2020, EPA again announced it was considering adding chitosan to the list of active ingredients allowed for use in minimum risk pesticides and provided a pre-publication version of the proposed rule.

EPA states in the November 2, 2020, Federal Register notice regarding the proposed rule: "Based on all the information available to the Agency, there are low risk concerns for human health or the environment if chitosan is intended for use as a minimum risk pesticide." According to EPA, adding chitosan to this list may save stakeholders time and money through waived FIFRA registration requirements for certain products containing chitosan. Specifically, EPA estimates the cost savings of avoiding the application process (e.g., guideline studies, registration fees) to be up to \$116,000 initially and approximately \$3,400 per year thereafter for each new product.

Comments on EPA's proposal to add chitosan to its list of active ingredients for use on minimum risk pesticides are due on or before January 4, 2021, in Docket EPA-HQ-OPP-2019-0701. EPA states that it is currently deferring a decision regarding the amended petition to add chitosan to the list of inert ingredients permitted in minimum risk pesticides.

Additional information on chitosan is available on our blog.

EPA reverses course, determines TSCA chemical presents 'unreasonable risk'

<https://www.safetyandhealthmagazine.com/articles/20480-epa-reverses-course-determines-tsca-chemical-presents-unreasonable-risk>

November 4, 2020

Washington — In a reversal of preliminary findings that the chemical substance Pigment Violet 29 poses no unreasonable risk of injury to humans or the environment, the Environmental Protection Agency is seeking public comment on a revised draft risk evaluation that states the chemical substance presents unreasonable risk to workers under certain conditions, according to a notice published in the Oct. 30 Federal Register.

Primarily used as a colorant in consumer products such as paints, coatings, plastics and rubber products, Pigment Violet 29 is one of the first 10 chemicals evaluated for potential health and environmental risks under the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

According to the revised draft risk evaluation, several occupational use scenarios pose unreasonable risk, including:

- Domestic manufacture and import

- Paint and coating processing

- Plastic and rubber product processing

- Recycling

- Industrial and commercial use of plastic and rubber products in automobile plastics

Published in November 2018, the initial draft risk evaluation was the first released under the Toxic Substances Control Act, which the Lautenberg Act amended. Subsequent analysis by the Science Advisory Committee on Chemicals, required under TSCA, presented concerns over “large data gaps that preclude coming to confident conclusions regarding certain subpopulations.” Additionally, SACC concluded that “the greatest exposures to PV29 will likely occur in manufacturing and occupational workers via inhalation and dermal exposures.”

In response, EPA in February ordered a manufacturer and an importer of the chemical substance to provide additional information that required testing on the solubility of Pigment Violet 29 as well as worker respirable dust monitoring.

Comments on the revision are due Nov. 30.

EPA solicited comments on problem formation documents for the first 10 chemicals before transitioning to the draft risk evaluation phase. The agency previously indicated that it planned to release final risk evaluations for the first 10 chemicals by the end of this year.

R-Water’s TK60 beats Lysol in independent COVID-19 lab test

<https://www.mcknights.com/news/products/r-waters-tk60-beats-lysol-in-independent-covid-19-lab-test/>

By Kimberly Marselas

4 NOV 2020

R-Water has announced that independent laboratory testing confirms its healthcare-grade disinfectant, TK60, kills coronavirus in 30 seconds — far faster than the Environmental Protection Agency’s requirement of 10 minutes.

TK60 is hypoallergenic and produced at the user’s location with a patented device that can make up to 300 gallons each day. The active ingredient in TK60 is hypochlorous acid, the same compound naturally produced by white blood cells to fight infections.

Microchem Laboratory independently verified that TK60 eliminated 99.997% of human coronavirus in 30 seconds.

The EPA requires testing of specific hard-to-kill gram negative and gram positive bacteria for a product to qualify as a one-step healthcare-grade disinfectant. A product must show 98.3% efficacy against these pathogens in a 10-minute contact time. TK60 achieved 100% efficacy in one minute.

“We want communities to have access to the solution,” said Rayne Guest, founder and CEO of R-Water. “Nurses are being given bottles of TK60 for personal use throughout their day. Extended care facilities are providing it to their residents and workers to take home, and people are in turn giving the product to their local churches. We encourage consumers and corporate decision makers to review lab reports so they can make an informed choice on the products they use and the proper way to use them.”

Of over 500 products listed on the EPA’s N-List, only 24 claim a 30-second contact time against COVID. Lysol, for example, requires two minutes to be effective against COVID-19.

TK60 is not on the N-List, though it exceeds EPA standards for efficacy and safety. The agency excludes disinfectants produced by on-site devices from its list.

Microchem Laboratory specializes in the testing of disinfectants, sanitizers, antimicrobial devices, medical devices and personal care products.

Feds sued for easing regulations on coal ash

<https://missoulacurrent.com/outdoors/2020/11/feds-coal-ash/>

BY MEGAN MINEIRO (COURTHOUSE NEWS)

NOVEMBER 4, 2020

WASHINGTON (CN) — Coal ash, a top polluting waste in the United States second only to household trash, is flowing unchecked from power plants under President Donald Trump, nine conservation groups suing the Environmental Protection Agency claimed Monday.

In a petition for review of a rollback of Obama-era regulations filed with the D.C. Circuit, the groups claim the EPA in August weakened national standards that limit toxic water pollution.

Hannah Connor, a senior attorney at the Center for Biological Diversity, called the rule change a gift to the fossil fuel industry at the expense of public health.

“Many power plants could easily adopt affordable technologies that dramatically reduce toxic discharges, but with this rule, the EPA is telling their polluter friends not to bother with these common-sense measures,” Connor said in a statement.

The rollback adds to the long pattern of the Trump administration bowing to coal-power industry lobbyists, the petitioners argued. An EPA spokesperson declined to comment on the pending litigation.

After being sued by some of the same groups that filed Monday’s petition, the EPA in 2015 finalized the so-called coal ash rule, the first-ever regulation of coal ash clean up at hundreds of sites across the country. Scientists warn the toxic residue can trigger health problems like cancer, reproductive failure and brain damage in children.

Failure to regulate the flow of toxic water can also increase the cost of drinking water, make some fish unsafe to eat and harm dozens of endangered species, including sea turtles and freshwater mussels, the petitioners warned.

The Environmental Integrity Project last year reported that toxins like arsenic, lead, mercury and selenium had tainted water supplies near 265 coal plants or offsite coal ash disposal areas in 39 states and Puerto Rico.

“The Clean Water Act requires each industry to catch up with the best performers — the plants with the best pollution control technology. This rule does the exact opposite, and allows power plants to fall as low as the worst performers in the industry,” Abel Russ, a senior attorney with the organization, said in a statement. “It won’t stand up in court.”

Back in 2015, the EPA had projected the now-voided Obama standards would stop 1.4 billion pounds of the toxic heavy metals from contaminating rivers and lakes each year.

Thomas Cmar, deputy managing attorney for Earthjustice’s coal program, said Monday that plants often mix coal ash with water to keep it from drifting in the wind. The result is “ponds” of contaminated sludge that due to lack of regulations are unlined and seep into the groundwater, he added.

The Chesapeake Climate Action Network, Clean Water Action, Natural Resources Defense Council, PennEnvironment, Prairie Rivers Network, Sierra Club and Waterkeeper Alliance joined the Center for Biological Diversity and the Environmental Integrity Project in filing Monday's lawsuit.

Kandi America Receives Certification From EPA, Electric Vehicles Cleared for U.S. Roads

<https://finance.yahoo.com/news/kandi-america-receives-certification-epa-145300115.html>

Wed, November 4, 2020, 9:53 AM EST

America's most affordable electric vehicles receive final approval ahead of late 2020 distribution plans

Kandi America, the U.S. subsidiary of Kandi Technologies Group Inc. (NASDAQ GS: KNDI), an international automotive manufacturer, today announced it has received the required clearance from the United States Environmental Protection Agency (EPA) for its two electric vehicle (EV) models – the K23 and K27 – via Certificates of Conformity.

This press release features multimedia. View the full release here:

<https://www.businesswire.com/news/home/20201104005412/en/>

Kandi America's electric vehicles can officially enter the U.S. market after receiving Certificates of Conformity from the Environmental Protection Agency (EPA). (Photo: Business Wire).

"What a milestone for Kandi. By way of this final certification requirement, we can officially bring to market America's most affordable electric vehicles," said Johnny Tai, CEO of Kandi America. "We are in the process of finalizing our fulfillment plans and look forward to seeing our EVs on U.S. roads very soon."

Kandi America first announced its two vehicle models in July 2020 with the mission of making EVs accessible to all. The K27, Kandi's smaller model, has an MSRP of \$17,499. With federal tax incentives, eligible buyers can pre-order the K27 today for just \$9,999.

This EPA approval also unlocks incentives from many states. Different states offer different tax incentives to EV buyers. For example, buyers in Colorado receive an additional \$4,000 in state tax credit for purchasing an EV, bringing the price of the K27 down to \$5,999.

Pricing for Kandi's SUV-style EV, the K23, begins at \$27,499. Factoring in federal tax incentives lowers the price to \$19,999. Additional state tax credits can be applied to reduce the price to as low as \$15,999.

To learn more about state tax incentives available to EV buyers, visit the U.S. Department of Energy's Alternative Fuel Data Center.

For more information about America's most affordable EVs and to place a pre-order with a \$100 fully refundable deposit, visit KandiAmerica.com.

Prospective dealers looking to gain additional information on how to become a Kandi America partner, including a pricing sheet which details manufacturer incentives, can visit dealer.kandiamerica.com.

About Kandi America

SC Autosports, LLC is the U.S. subsidiary of Kandi Technologies Group, Inc. (NASDAQ GS:KNDI), doing business under the name "Kandi America." Headquartered in Garland, Texas, Kandi America is primarily engaged in the wholesale of off-road vehicle products and distribution of electric vehicles. Since 2008, Kandi Technologies has been publicly traded on the Nasdaq Stock Exchange under the symbol KNDI. Kandi

Technologies acquired SC Autosports in 2018 to be its exclusive U.S. distributor. For more information, visit KandiAmerica.com.

Safe Harbor Statement

This press release contains certain statements that may include "forward-looking statements." All statements other than statements of historical fact included herein are "forward-looking statements." These forward-looking statements are often identified by the use of forward-looking terminology such as "believes," "expects" or similar expressions, involving known and unknown risks and uncertainties. Although the Company believes that the expectations reflected in these forward-looking statements are reasonable, they do involve assumptions, risks and uncertainties, and these expectations may prove to be incorrect. You should not place undue reliance on these forward-looking statements, which speak only as of the date of this press release. The Company's actual results could differ materially from those anticipated in these forward-looking statements as a result of a variety of factors, including the risk factors discussed in the Company's periodic reports that are filed with the Securities and Exchange Commission and available on the SEC's website (<http://www.sec.gov>). All forward-looking statements attributable to the Company or persons acting on its behalf are expressly qualified in their entirety by these risk factors. Other than as required under the applicable securities laws, the Company does not assume a duty to update these forward-looking statements.

View source version on businesswire.com: <https://www.businesswire.com/news/home/20201104005412/en/>

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Added Cleanup For Pollution Behind Conowingo Dam Will Cost \$53 Million A Year. Who Will Pay For It?

<https://patch.com/maryland/annapolis/added-cleanup-pollution-behind-conowingo-dam-will-cost-53-million-year-who-will>

By [Chesapeake Bay Journal](#), News Partner

The cost to reduce the added nutrient pollution spilling over the Conowingo Dam now has a price tag: at least \$53 million a year.

By Karl Blankenship

Nov 2, 2020

The cost to reduce the added nutrient pollution spilling over the Conowingo Dam now has a price tag: at least \$53 million a year.

That's the rough estimate contained in a draft strategy aimed at finding ways to offset the additional nutrients passing through the dam to the Chesapeake Bay, now that the dam's 14-mile long reservoir is filled with sediment.

The dam is located on the Susquehanna River in Maryland 10 miles upstream of the Bay. Most of the cleanup work proposed in the draft plan, released for comment Oct. 14, would take place upstream in Pennsylvania, primarily on farms.

The plan envisions attracting private investors to front the money needed to jump-start the work but said that will only happen if the states and U.S. Environmental Protection Agency commit to paying them back — something that has not happened so far.

President Donald Trump and former Vice President Joe Biden are locked in a seesaw battle in the race to 270 electoral votes needed to win.

McGee, director of science and agricultural policy at the Chesapeake Bay Foundation, said she liked much of the proposed strategy, but said its success depends on whether the state-federal Bay Program comes up with a way to pay for it. "It's only a plan," she said. "If it doesn't get implemented, we're no better off."

The dam, completed in 1929, actually helped to reduce Bay pollution for decades by trapping sediments and associated nutrients. It's long been known that the reservoir would eventually fill, allowing sediment and nutrients to flow more freely into the Chesapeake. When the latest Bay cleanup plan was drafted in 2010, though, that wasn't expected to occur until after the 2025 deadline that states are striving to meet.

But that has already happened, and computer models estimate an additional 6 million pounds of nitrogen and 260,000 pounds of phosphorus now reach the Bay in a typical year.

That's enough to keep the Chesapeake's 2025 clean water goals out of reach.

With states already struggling to meet their individual pollution reduction goals, the Bay Program in 2018 decided to have an outside group develop a separate plan to offset nutrient increases from the dam and come up with a way to finance it.

Last year, the EPA awarded nearly \$600,000 to the Center for Watershed Protection, Chesapeake Conservancy and Chesapeake Bay Trust to tackle the job.

"It's a massive lift," said Bryan Seipp, a watershed planner with the Center for Watershed Protection, who led the team. "It took decades and decades for this material to build up behind the dam. Trying to solve a problem that took decades to create in a fraction of that time is a challenge."

The team examined nearly a dozen options, some of which included actions outside the Susquehanna watershed that would achieve the same benefits to the Bay, before settling on the recommended strategy. Most of the other options cost more — one came in at \$368 million a year.

The lowest cost strategy came in at \$49.5 million dollars annually but relied solely on reductions from agricultural lands in the Susquehanna basin. Seipp said that raised concerns that an overreliance on agriculture would result in taking too much farmland out of production.

The selected plan focuses entirely on the Susquehanna watershed — primarily in Pennsylvania. It also identifies places where nutrient control actions would be most effective and suggests more than a dozen on-the-ground pollution control practices that would be the most cost-effective to implement.

The plan still relies mostly on agriculture, but also seeks a sliver of nutrient reductions from developed lands.

The strategy cautioned, though, that its estimated costs are "likely low." They do not include, for example, the cost of providing technical support staff to work with landowners on runoff control practices.

The draft also opened the door to other alternatives, such as dredging built-up sediment from behind the dam. Maryland is planning a pilot study to determine whether that is feasible.

It also raises the possibility of extending the deadline for meeting Conowingo goals beyond 2025.

Seipp said there is no firm timeline to issue a final strategy. That, he said, would hinge on public comments that may require plan revisions, as well as more clarity about funding.

A separate financing strategy will be released in December that is intended to identify ways to attract private money to support the plan.

That would spare cash-strapped states from having to pay up front and could speed implementation. But, the draft plan cautioned, "The only way that private investors will make money, at least in the near future, is if the public sector is compelled, for whatever reason, to pay them back for their investments."

Although states in the watershed chipped in funding to help develop the plan, there has been no commitment about who would ultimately pay for the actual work.

The team writing the financing strategy said in a Sept. 23 memo that it assumes the Bay states "will have the ultimate responsibility" for funding the plan. Without that commitment, it said, implementation "will be very limited in scale and impact."

Some state officials have hoped that other funding mechanisms will arise, such as philanthropic support that doesn't need to be paid back. But efforts to lure outside money have been elusive.

At the time that the Bay Program agreed to create the Conowingo plan, state and federal officials were hoping that a settlement between Maryland and Exelon — the utility that owns the dam — would generate tens of millions of dollars a year for the cleanup. The utility needs approval from the state before it can get a new federal license to operate the dam.

Earlier this year, though, the state and Exelon struck a deal that committed just \$19 million over the 50-lifespan of the license for that purpose. Some environmental groups and lawmakers have sought to block that agreement from being finalized.

"We still think that they should be held accountable for their downstream impacts, and we would love to see some of their dollars go upstream as opposed to what's currently in the settlement agreement," McGee said.

The [draft Conowingo Watershed Implementation Plan](#) is open for comment until Dec. 21. Comments should be submitted to CWIP@chesapeakebay.net.
